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<p style="text-align: center;">Page 5</p> <p>5</p> <p style="text-align: center;">VOLUME I PAGES: 1-198 EXHIBITS: 1-9 COMMONWEALTH OF MASSACHUSETTS Middlesex, ss. Superior Court Department</p> <p>6</p>	<p style="text-align: center;">Page 6</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 Representing the Plaintiffs:</p> <p>4 LAW OFFICE OF MICHAEL C. SHEPARD, P.C. 205 Portland Street Boston, MA 02114 BY: MICHAEL C. SHEPARD, ESQ. (617) 742-1121 (617) 742-5155 (Fax)</p> <p>6</p> <p>7 Representing Riley Stoker Corporation, The Sherwin-Williams Company, Georgia-Pacific, and Quigley:</p> <p>8 CETRULO & CAPONE 2 Seaport Lane 10th Floor Boston, MA 02210 BY: JENNIFER A. CREEDON, ESQ. (617) 217-5500 (617) 217-5200 (Fax)</p> <p>11</p> <p>12 Representing New England Insulation:</p> <p>13 CETRULO & CAPONE 2 Seaport Lane 10th Floor Boston, MA 02210 BY: KATHARINE S. PERRY, ESQ. (617) 217-5500 (617) 217-5200 (Fax)</p> <p>16</p> <p>17 Representing Amchem Products, Inc., Pfizer, and Union Carbide:</p> <p>18 CETRULO & CAPONE 2 Seaport Lane 10th Floor Boston, MA 02210 BY: TROY C. BAILEY, ESQ. (617) 217-5500 (617) 217-5200 (Fax)</p> <p>21</p> <p>22 Representing Eastern Refractories Company:</p> <p>23 HERMES, NETBURN, O'CONNOR & SPEARING, P.C. 111 Devonshire Street, 8th Floor Boston, MA 02109 BY: JOHN FELICE, ESQ. (617) 728-0050 (617) 728-0052 (Fax)</p> <p>24</p>
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1 MR. SHEPARD: Objection.

2 A. Well, when you say that they typically
3 wore, it would be my opinion that they typically
4 did not wear those types, and if they did, it was
5 usually along the lines of those 3M paper masks,
6 but I haven't run across that many individuals
7 that actually said they wore masks.

8 Q. Have you seen any papers -- strike
9 that.

10 Other than paper masks, are there any
11 other types of respirators that you're familiar
12 with that painters wore in the '70s while they
13 were using simulated ceiling acoustics?

14 MR. SHEPARD: Objection.

15 A. Not that I'm aware of.

16 Q. I'm sorry, I have to go over a few
17 questions.

18 A. That's fine.

19 Q. Have you ever visited any of the work
20 sites that Mr. Belisle testified he worked at?

21 A. Not that I'm aware of. I don't believe
22 so.

23 Q. Have you ever been to L Street Station?

24 A. No.

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1 Q. Have you ever seen plans of any of the
2 work sites that Mr. Belisle worked at?

3 A. No.

4 Q. What types of buildings did Mr. Belisle
5 work at?

6 A. Schools, commercial, power plants,
7 chemical plants, heavy industry, commercial
8 office type buildings. A wide range of buildings
9 over his years.

10 Q. Have you ever visited a power plant in
11 Massachusetts?

12 A. I have not.

13 Q. Have you ever seen any photographs of
14 the power plants in Massachusetts?

15 A. No.

16 Q. Have you ever done any dust sampling in
17 a power plant?

18 MR. SHEPARD: In Massachusetts or
19 anywhere?

20 MS. CREEDON: Anywhere.

21 A. Possibly.

22 Q. Where did you possibly do that?

23 MR. SHEPARD: Objection. Asked and
24 answered.

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1 A. Again, I was in two cases in this
2 state. The City of Boston versus all the
3 asbestos manufacturers, and the State of
4 Massachusetts versus all the asbestos
5 manufacturers, and both of those cases we did
6 bulk sampling and dust sampling.

7 Now, I can't tell you what those
8 results are or where or et cetera, but I have no
9 intention of relying on those, but if I were to
10 pull all those files out from bygone years, there
11 probably would be some of that data in there.
12 Maybe not, I just don't know.

13 Q. With respect to L Street Station, do
14 you know the dimensions of L Street Station?

15 A. I would estimate a couple hundred yards
16 long, looks like 20 stories tall.

17 Q. Do you know what kind of ventilation it
18 has?

19 A. I can't see it from here, so the answer
20 is no.

21 Q. Do you know which portion of L Street
22 Mr. Belisle worked in?

23 A. No, I do not.

24 Q. Would you agree that various asbestos-

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1 containing products cause different releases of
2 fiber?

3 A. Maybe, and that would depend on what
4 you did to them.

5 Q. Are you relying on any studies that
6 attempt to quantify asbestos exposure with
7 respect to painters?

8 A. Well, I guess, yes. I mean, you have
9 published literature of what happens when
10 somebody sands spackling and joint compounds, and
11 certainly as a painter, certainly Mr. Belisle
12 talked about having to sand spackling and joint
13 compounds.

14 Selikoff's work did quantify those
15 studies and those types of activities, and those
16 are very good examples because they're real world
17 studies.

18 Q. Do you remember the title of Selikoff's
19 study?

20 A. I think it's entitled The Sanding of
21 Patching and Joint Compounds, I believe. It was
22 in the Journal of Science, 1974. I don't
23 remember the lead author, but Selikoff was on the
24 tail end.

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1 Q. Is that an epidemiological study?
 2 A. No. Well, hold on. I think there was
 3 some of that in there, but most of it was actual
 4 field measurements of individuals using these
 5 products.
 6 Q. Are you relying on any epidemiological
 7 studies in the Belisle case?
 8 A. No, that's not my area.
 9 Q. The last time you testified in
 10 Massachusetts you testified that you were not an
 11 industrial hygienist. Is that true today?
 12 A. I don't believe I've ever said that.
 13 Q. You are not -- you don't have a degree
 14 in industrial hygiene; is that accurate?
 15 A. I do not have a degree in industrial
 16 hygiene, and I am not a certified industrial
 17 hygienist.
 18 Q. Have you ever reviewed any materials
 19 regarding a product called Bloc-tex?
 20 A. I know that product.
 21 Q. What is that product?
 22 A. As I recall, it's a sealer for
 23 concrete, concrete blocks, concrete walls. It's
 24 a paint-type material that does have asbestos in

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1 it.
 2 Q. Who makes it?
 3 A. I think your client does, or used to.
 4 Q. Do you know how much asbestos it
 5 contains?
 6 A. That I can't recall.
 7 Q. Have you ever tested that product?
 8 A. I have not.
 9 Q. Have you ever seen any studies of
 10 anyone else testing that product?
 11 A. No, I have not.
 12 Q. You'll agree that your demonstrations
 13 do not replicate the workplace?
 14 A. I agree.
 15 MS. CREEDON: That's all the questions
 16 I have for you today.
 17 THE WITNESS: Thank you.
 18 *****
 19 EXAMINATION BY MR. GOVERNO:
 20 Q. My name is David Governo. I represent
 21 Terex, American Crane, and Koehring.
 22 You talked about a 1995, 1996 Report to
 23 Congress on secondary exposures?
 24 A. Yes.

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1 Q. And you said that included a good
 2 review of literature on secondary exposures,
 3 including secondary exposure to asbestos?
 4 A. Yes, sir.
 5 Q. When was the first piece of literature
 6 cited in that actually published?
 7 A. 1961 or 2.
 8 Q. Are you familiar with the asbestos
 9 content of cosmetics?
 10 A. In my field I have -- it's sort of like
 11 an urban legend about the talcs in cosmetics
 12 containing tremolite. I've never been able to
 13 verify that.
 14 * Q. Have you looked for studies reporting
 15 on asbestos contamination of talc and other
 16 ingredients of cosmetics?
 17 A. Well, I'm certainly very familiar with
 18 the asbestos contamination of talc, but what
 19 we've seen -- now, I have seen inference to it
 20 and I have seen studies on talc, and we have done
 21 our own studies on talc, but what I haven't been
 22 able to do is find a cosmetic where I can say,
 23 yes, that has asbestos in it. Tremolite.
 24 MR. GOVERNO: Can you read my question

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1 back, please.
 2 (* Question read back)
 3 A. I have looked for all studies on
 4 contamination of talc involving tremolite. I
 5 have not seen one with cosmetics.
 6 MR. GOVERNO: No further questions.
 7 *****
 8 EXAMINATION BY MR. GRIECO:
 9 Q. My name is Dennis Grieco. I have a few
 10 questions for you. I'll be brief. I have just a
 11 couple of fill-in questions.
 12 A. Sure.
 13 Q. We talked about studies and videos and
 14 I think I have an idea of where the two shall
 15 meet, so to speak, but let me see if I can go
 16 over it with you.
 17 First, you recall that you were deposed
 18 here in Massachusetts in that Ondik case in
 19 January of 2001?
 20 A. I recall I was here.
 21 Q. Okay. I'm going to represent to you
 22 that it was in January of 2001.
 23 A. I have no reason to dispute that.
 24 Q. What specific studies have you or your

1 firm performed since that date?

2 A. Since January of 2001, as I mentioned
3 earlier, we have done additional friction studies
4 pertaining to arc grinding of brake shoes. I
5 believe we have done a friction study on sanding
6 of brake shoes since that time. We have done
7 gasket studies in May, a fairly big study, Gasket
8 Studies IV and V.

9 We have done -- oh, we have done a
10 transite study, cutting transite panel. I left
11 that one out earlier. I forgot about that one.
12 We cut transite panels with a skill saw with a
13 carbide blade. I know there's a couple others,
14 but I apologize.

15 Q. Of those that you just listed for me,
16 and any others that you recall in answering this
17 next question, which do you intend to or are you
18 relying upon with respect to your testimony in
19 the Starkweather case?

20 A. There are no studies that were done
21 after 2001, that I'm aware of, that I would be --
22 excuse me, after January of 2001 that I would be
23 relying on here.

24 Q. Just so I can make sure I understand,

1 Doctor --

2 A. Yes, sir.

3 Q. -- focussing again on the studies that
4 you will rely upon in the Starkweather case,
5 those include the specific studies that were
6 performed by others that you described for us
7 concerning thermal insulation, correct?

8 A. Yes, sir.

9 Q. Your own studies performed by you or
10 your company with respect to thermal insulation?

11 A. That's correct.

12 Q. With respect to insulation materials,
13 other than thermal insulation in the Starkweather
14 case, you intend to rely upon literature produced
15 by Peter Harries in the mid '60s; is that right?

16 A. That's one of the studies.

17 Q. What are the others?

18 A. Oh, on insulating cements?

19 Q. Yes.

20 A. I don't know of another one besides
21 his.

22 Q. And you also intend to rely upon your
23 Secondary Exposure Studies II and III in the
24 Starkweather case, correct?

1 A. That's correct.

2 Q. And there are videos to those two
3 studies?

4 A. That's correct.

5 Q. And there's also a video related to the
6 thermal insulation study that you just mentioned,
7 correct?

8 A. That's correct.

9 Q. And that is the full gamut of studies,
10 literature, and/or videos that you intend to rely
11 upon in the Starkweather case?

12 A. Oh, no. Maybe I wasn't asked, but
13 certainly I have a library of secondary exposure
14 studies. As I was talking about earlier, the
15 Report to Congress. If you want to look for one
16 document that really is a good compilation of all
17 the studies, that's a good one, the '95 Report to
18 Congress.

19 Q. Okay. Outside of that '95 Report to
20 Congress and the studies and videos you just
21 described for me, are there any other studies or
22 literature that you intend to rely upon or are
23 relying upon for your opinions in the
24 Starkweather case?

1 A. Just to be clear, I think the answer is
2 no, but to make sure of that, the references in
3 that Report to Congress are all references that I
4 have, but other than that, no, that's it.

5 Q. And we've described all the videos or
6 other graphic presentations that you intend to
7 rely upon in the Starkweather case?

8 A. Based on the information I have now,
9 yes.

10 Q. Okay. Now, turning specifically to
11 your understanding of Mr. Byrnes' exposure, Mrs.
12 Starkweather's father, am I correct in
13 understanding that, as you sit here today, you
14 don't know which, if any, work site his asbestos
15 exposure took place at, but you know it was with
16 respect to this dust cloud from ripping down the
17 boiler that Mr. Riley mentioned; is that correct?

18 MR. SHEPARD: Objection.

19 MR. COSTELLO: Objection.

20 A. No, not quite correct. I said that was
21 probably one of the larger exposures, but it is
22 my opinion that any time during that time frame
23 working at any powerhouse you're going to have
24 some exposure, even if you're outside, just

